



UNITED STATES PATENT AND TRADEMARK OFFICE



DALE \$ #6  
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No. 5

David H. Blount  
6728 Del Cerro Blvd.  
San Diego, CA 92120

**COPY MAILED**

**NOV 12 2003**

**OFFICE OF PETITIONS**

**ON PETITION**

**RECEIVED**

**DEC 15 2003**

**OFFICE OF PETITIONS**

In re Application of  
David H. Blount  
Application No. 09/754,580  
Filed: January 5, 2001  
Attorney Docket No. n/a

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the Notice to File Missing Parts of Application (Notice) mailed April 5, 2001, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 6, 2001.

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed;<sup>1</sup> (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item(s) (1).

As to item (1), Petitioner has submitted a petition to revive on the grounds of unintentional delay accompanied by a \$55 petition fee. Effective October 1, 2003, the small entity petition fee

<sup>1</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.



required for revival of an application under the unintentional provisions of 37 CFR 1.137(b) is \$665. Accordingly, a balance due of \$610 is required before revival of the application can be effected.

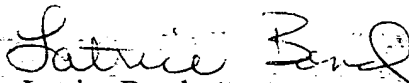
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions  
PO Box 1450  
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916  
Attn: Office of Petitions

By hand: Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

  
Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Examination Policy